

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – CINCINNATI**

JANE DOE,	:	Case No. 1:25-cv-149
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
vs.	:	
	:	
ELANA IATAROLA, et al.,	:	
	:	
Defendants.	:	

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 6)

This action is before the Court upon the Report and Recommendation (the “Report”) (Doc. 4) of United States Magistrate Judge Stephanie K. Bowman, to whom this case is referred pursuant to 28 U.S.C. § 636(b). In the Report, Magistrate Judge Bowman recommends that the Court dismiss the action. Plaintiff filed an Objection (Doc. 9). Defendants provided no response.

The Court may “sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Moreover, a plaintiff will not be given the opportunity to amend their pleadings to avoid a sua sponte dismissal for lack of jurisdiction. *Id.*

Magistrate Judge Bowman recommends dismissing Plaintiff’s Complaint because its allegations are implausible and incomprehensible. (Report, Doc. 6, Pg. ID 54.) Plaintiff objects to the Report arguing that implausibility is an insufficient basis to dismiss a claim.

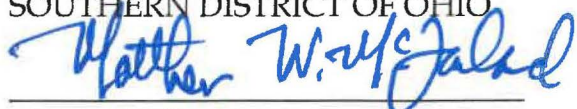
(Objection, Doc. 9, Pg. ID 61-62.) The Court finds that Plaintiff's objections do not present any new arguments that were not otherwise set forth in her Complaint. The allegations within the Complaint were properly addressed and rejected by Magistrate Judge Bowman. Furthermore, Plaintiff's attempt to rationalize her fantastical allegations by referring to scientific discoveries is not persuasive. *See Ashcroft v. Iqbal*, 556 U.S. 662, 696 (2009) (Souter, J. dissenting). Plaintiff's objections are also not sufficient to preserve any issues for review, as rehashing the same arguments made previously defeats the purpose and efficiency of the Federal Magistrate's Act, 28 U.S.C. § 636. *See Gallant v. Erdos*, No. 1:19-CV-466, 2021 U.S. Dist. LEXIS 199746, at *20-21 (S.D. Ohio Oct. 18, 2021) (denying the plaintiff's objection that the Magistrate Judge must have erred because the plaintiff's allegations do in fact state a claim). Plaintiff otherwise fails to demonstrate any factual or legal error by Magistrate Judge Bowman in her Report.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Plaintiff's Objections are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report (Doc. 6) in its entirety. The Court orders the following:

1. Plaintiff's Claims are **DISMISSED WITH PREJUDICE**;
2. The Court **CERTIFIES** that an appeal of this Order would not be taken in good faith and therefore denies Plaintiff leave to appeal in forma pauperis.
3. This case shall be **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
MATTHEW W. McFARLAND